

**Senate File 284 - Introduced**

SENATE FILE 284

BY SMITH

**A BILL FOR**

1 An Act relating to penalties for eluding law enforcement  
2 vehicles.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.279, Code 2017, is amended to read  
2 as follows:

3 **321.279 Eluding or attempting to elude pursuing law**  
4 **enforcement vehicle.**

5 1. The driver of a motor vehicle commits ~~a serious~~ an  
6 aggravated misdemeanor if the driver willfully fails to bring  
7 the motor vehicle to a stop or otherwise eludes or attempts to  
8 elude ~~a marked~~ an official law enforcement vehicle, whether  
9 marked or unmarked, driven by a uniformed peace officer after  
10 being given a visual and audible signal to stop. The signal  
11 given by the peace officer shall be by flashing red light, or  
12 by flashing red and blue lights, and siren. For purposes of  
13 this section, "*peace officer*" means those officers designated  
14 under section 801.4, subsection 11, paragraphs "*a*", "*b*", "*c*",  
15 "*f*", "*g*", and "*h*".

16 2. The driver of a motor vehicle commits ~~an aggravated~~  
17 ~~misdemeanor~~ a class "D" felony if the driver willfully fails  
18 to bring the motor vehicle to a stop or otherwise eludes or  
19 attempts to elude ~~a marked~~ an official law enforcement vehicle,  
20 whether marked or unmarked, that is driven by a uniformed  
21 peace officer after being given a visual and audible signal  
22 as provided in this section and in doing so exceeds the speed  
23 limit by twenty-five miles per hour or more.

24 3. The driver of a motor vehicle commits a class "D" "C"  
25 felony if the driver willfully fails to bring the motor vehicle  
26 to a stop or otherwise eludes or attempts to elude ~~a marked~~ an  
27 official law enforcement vehicle, whether marked or unmarked,  
28 that is driven by a uniformed peace officer after being given a  
29 visual and audible signal as provided in this section, and in  
30 doing so exceeds the speed limit by twenty-five miles per hour  
31 or more, and if any of the following occurs:

32 a. The driver is participating in a public offense, as  
33 defined in section 702.13, that is a felony.

34 b. The driver is in violation of section 321J.2 or 124.401.

35 c. The offense results in bodily injury to a person other

1 than the driver.

2        4. Notwithstanding any other provision of law to the  
3 contrary, a law enforcement agency may retain possession of  
4 a motor vehicle suspected to have been operated by a person  
5 in violation of this section until final disposition of any  
6 criminal proceeding related to the violation.

7     Sec. 2. Section 707.6A, subsection 2, Code 2017, is amended  
8 to read as follows:

9       2. a. A person commits a class "B" felony when the person  
10 unintentionally causes the death of another by eluding or  
11 attempting to elude a pursuing law enforcement vehicle, in  
12 violation of section 321.279, if the death of the other person  
13 directly or indirectly results from the violation.

14       b. A person commits a class "C" felony when the person  
15 unintentionally causes the death of another by ~~any of the~~  
16 ~~following means:~~

17     a.—Driving driving a motor vehicle in a reckless manner  
18 with willful or wanton disregard for the safety of persons or  
19 property, in violation of [section 321.277](#).

~~b. Eluding or attempting to elude a pursuing law enforcement vehicle, in violation of [section 321.279](#), if the death of the other person directly or indirectly results from the violation.~~

23      Sec. 3. Section 707.6A, subsection 4, Code 2017, is amended  
24 to read as follows:

25       4. A person commits a class "D" felony when the person  
26 unintentionally causes a serious injury, as defined in section  
27 702.18, by any of the means described in subsection 1 or 2,  
28 except a person who unintentionally causes a serious injury by  
29 the means described in subsection 2, paragraph "a", commits a  
30 class "C" felony.

## EXPLANATION

32           The inclusion of this explanation does not constitute agreement with  
33           the explanation's substance by the members of the general assembly.

34       This bill increases the penalties for eluding a law  
35 enforcement vehicle under Code sections 321.279 and 707.6A.

1 Current law provides that the driver of a vehicle commits  
2 a serious misdemeanor if the driver willfully fails to bring  
3 the vehicle to a stop or otherwise eludes or attempts to  
4 elude a marked official law enforcement vehicle. A serious  
5 misdemeanor is punishable by a fine of at least \$315 but not  
6 to exceed \$1,875 and imprisonment not to exceed one year. The  
7 bill increases the penalty to an aggravated misdemeanor and  
8 applies the provision to unmarked law enforcement vehicles. An  
9 aggravated misdemeanor is punishable by a fine of at least \$625  
10 but not to exceed \$6,250 and imprisonment not to exceed two  
11 years.

12 Current law also provides that the driver of a vehicle  
13 commits an aggravated misdemeanor if the driver willfully fails  
14 to bring the vehicle to a stop or otherwise eludes or attempts  
15 to elude a marked official law enforcement vehicle and in doing  
16 so exceeds the speed limit by 25 miles per hour or more. The  
17 bill increases the penalty to a class "D" felony and applies  
18 the provision to unmarked law enforcement vehicles. A class  
19 "D" felony is punishable by a fine of at least \$750 but not to  
20 exceed \$7,500 and imprisonment not to exceed five years.

21 Current law further provides that the driver of a vehicle  
22 commits a class "D" felony if the driver willfully fails to  
23 bring the motor vehicle to a stop or otherwise eludes or  
24 attempts to elude a marked official law enforcement vehicle;  
25 exceeds the speed limit by 25 miles per hour or more; and the  
26 driver is participating in a public offense that is a felony,  
27 the driver is in violation of Code section 321J.2 (operating  
28 while intoxicated) or 124.401 (controlled substances), or  
29 the offense results in bodily injury to a person other than  
30 the driver. The bill increases the penalty to a class "C"  
31 felony and applies the provision to unmarked law enforcement  
32 vehicles. A class "C" felony is punishable by a fine of at  
33 least \$1,000 but not to exceed \$10,000 and imprisonment not  
34 to exceed 10 years. The bill likewise increases the penalty  
35 for unintentionally causing a serious injury to a person while

1 eluding or attempting to elude a pursuing law enforcement  
2 vehicle from a class "D" felony to a class "C" felony.

3 Finally, current law provides that a person commits a class  
4 "C" felony when the person unintentionally causes the death of  
5 another person by eluding or attempting to elude a pursuing law  
6 enforcement vehicle. The bill increases the penalty to a class  
7 "B" felony. A class "B" felony is punishable by imprisonment  
8 not to exceed 25 years.

9 The bill permits a law enforcement agency to retain  
10 possession of a vehicle suspected to have been operated by  
11 person in violation of the bill until final disposition of any  
12 criminal proceeding related to the violation.

13 Under current law, a violation for eluding a law enforcement  
14 vehicle is grounds for mandatory revocation of a person's  
15 driver's license or operating privilege, and is included in the  
16 list of offenses that contribute to habitual offender status.